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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,915	08/26/2003	Michael R. D'Angelo	LEX-001	1914

7590 12/27/2006  
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EXAMINER
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SONG, HOSUK

ART UNIT	PAPER NUMBER
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2135

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/27/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

10/604,915

**Applicant(s)**

D'ANGELO ET AL.

**Examiner**

HOSUK SONG

**Art Unit**

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Scott et al(US 6,484,260).

Claims 1,4-6,12,17,29: Scott discloses an authentication element that receives a biometric characteristic from a user, the authentication element broadcasting an authorization signal in response to identifying the user in (fig.1 and col.4,lines 43-60). Scott disclose a device communicator in wireless communication with the authentication element and in electrical communication with a computing device(fig.1), the device communicator permitting the user to access the computing device in response to receiving the authorization signal broadcasted by the authentication element in (col.4,lines 43-67;col.11,lines 12-26).

Claim 2: Scott disclose a sensor that is attached to at least one of the authentication element and the device communicator, the sensor generating a sensor signal that is related to a status of at least one of the authentication element, the device communicator, and the computing device in (col.1,lines 66-67;col.2,lines 28-31;col.8,line 51).

Claim 3: Scott disclose sensor comprises a motion sensor and the status of the at least one of the authentication element, the device communicator, and the computing device is related to a motion of the device communicator in (col.4,lines 61-67).

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Claim 7: Scott disclose biometric characteristics chosen from the group comprising a finger-print, retinal scan, a voice-print, a DNA signature, a facial scan, body impedance, and a written signature in (col.1,lines 66-67).

Claim 8: Scott disclose authentication element comprises an electronic circuit that is integrated into at least one of a computer, a cellular telephone, a personal digital assistant, and a pager in (col.5,lines 43-49).

Claim 9: Scott discloses authentication element is bound to at least one of the device communicator and the computing device in (fig.1).

Claims 10,11: Scott discloses at least one of the authentication element, the device communicator, and the computing device further comprises an alarm that indicates a presence of an unauthorized user in (col.4,lines 65-67).

Claim 13: Scott discloses the software program comprises an interface/administration software in (fig.1).

Claim 14: Scott discloses authentication element is bound to the computing device in (col.6,lines 30-33).

Claim 15: Scott disclose sensor that is attached to the authentication element, the sensor generating sensor signal that is related to a status of at least one of the authentication element and the computing device in (col.4,lines 61-67).

Claim 16: Scott disclose biometric characteristics chosen from the group comprising a finger-print, retinal scan, a voice-print, a DNA signature, a facial scan, body impedance, and a written signature in (col.1,lines 66-67).

Claim 18: Scott discloses user to access the computing device provides the user physical access to a secured area in (col.4,lines 61-67).

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Claim 19: Scott discloses user to access the computing device provides the user access to a computer network in (fig.1).

Claim 20: Scott discloses user to access the computing device provides the user access to secured data in (fig.1).

Claim 21: Scott disclose biometric characteristics chosen from the group comprising a finger-print, retinal scan, a voice-print, a DNA signature, a facial scan, body impedance, and a written signature in (col.1,lines 66-67).

Claim 22: Scott discloses authorization signal is transmitted through at least one of a wireless communication system, a IR communication system, an optical communication system and an acoustical communication system in (col.3,lines 64-67).

Claim 23: Scott discloses sensing a status of the computing device in response to the presence of the authorization signal in (col.4,lines 43-55).

Claim 24: Scott disclose status of the computing device is chosen from the group comprising a proximity of the user to the computing device, a motion of the computing device relative to the user, a receipt of the user credential, and a risk level assigned to the computing device in (col.4,lines 61-67;col.5,lines 1-3).

Claim 25: Scott discloses sensing a status of the computing device in response to the absence of the authorization signal in (col.4,lines 43-55).

Claim 26: Scott disclose status of the computing device is chosen from the group comprising a proximity of the user to the computing device, a motion of the computing device relative to the user, a receipt of the user credential, and a risk level assigned to the computing device in (col.4,lines 61-67;col.5,lines 1-3).

Claim 27: Scott discloses denying the user access to the computing device in response to an absence of the authorization signal in (col.4,lines 47-60).

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Claim 28: Scott discloses securing the computing device in response to an absence of the authorization signal in (col.8,lines 40-53).

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1,12,17-20,29: The words “permitting” or “allowing” is unclear as to what Applicant’s intended metes and bounds of the claim are, since the claim appears to cover anything and everything that does not prohibit actions from occurring. Claims 2-11,13-16,21-28, dependent on claims 1,12,17,29, follow therewith.

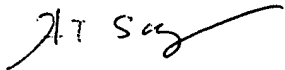
***USPTO Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HOSUK SONG whose telephone number is 5712723857. The examiner can normally be reached on mon-fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, KIM VU can be reached on 5712723859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
HOSUK SONG  
PRIMARY EXAMINER